

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:04-CR-0069</b>
	:	
v.	:	<b>(Judge Conner)</b>
	:	
<b>TRINA SMITH</b>	:	

**ORDER**

AND NOW, this 7th day of December, 2005, upon consideration of defendant's letter (Doc. 57), construed by the Court of Appeals for the Third Circuit as a request for an extension of time to file a notice of appeal (see Doc. 62), and of the order of the Court of Appeals for the Third Circuit (Doc. 62), remanding this case "for a determination concerning excusable neglect," see FED. R. APP. P. 4(b)(4) ("Upon a finding of excusable neglect or good cause, the district court may . . . extend the time to file a notice of appeal . . ."); see also In re Diet Drugs Prods. Liab. Litig., 401 F.3d 143, 153-54 (3d Cir. 2005) (discussing the factors to be weighed in determining excusable neglect); United States v. Scheiner, 873 F. Supp. 927, 932 (E.D. Pa. 1995) (same), and it appearing that defendant's request for an extension of time does not present sufficient information for the court to determine whether defendant's belated filing of the notice of appeal was the result of excusable neglect (see Doc. 57),<sup>1</sup> it is hereby ORDERED that defendant shall file, on or before January

---

<sup>1</sup> The letter contains conflicting information. It not only indicates that defendant "was informed of the time limit," but also that defendant was "unaware of the time limit." (See Doc. 57.) The court notes that, during sentencing, it informed defendant of the ten-day time limit to file a notice of appeal.

6, 2006, a response setting forth the reasons for her belated filing of the notice of appeal.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge